

Notice of Allowability

Application No.

10/826,992

Examiner

Allana Lewin

Applicant(s)

PARMATER, KIM M.

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendments filed 7/6/2006.
2. ☒ The allowed claim(s) is/are 1-10 and 12-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 9/13/2006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Heather Barnes on September 13th, 2006. Claim 15 was identified as "Currently Amended", however no changes were made to the claim. Ms. Barnes specified which limitations were to be added to claim 15 to correct this matter and to place the claim in condition for allowance. Additionally, claims 10 and 22 were amended in order to overcome minor informalities. The application has been amended as follows:

- In claim 10, line 18, after the word 'wherein' insert --a--.
- In claim 10, line 19, before the word 'second' insert --a--.
- Please amend claim 15 as follows:

A method for using an exercise device, comprising the steps of:

providing horizontal support means;

providing a leg bar assembly pivotally mounted to said horizontal support means and being generally moveable between a substantially vertical position and a first range of angular positions;

providing a lift bar assembly pivotally mounted to said horizontal support means and selectively engageable with said leg bar assembly through linkage

means and being generally moveable between a substantially horizontal position and a second range of angular positions;

providing a seat assembly pivotally mounted to said horizontal support means being generally moveable between a substantially horizontal position and a third range of angular positions, said seat assembly including a seat member having a lower surface that is selectively engageable with said lift bar assembly; and,

providing a resistance band extending between said horizontal support means and said lift bar assembly;

providing a securing plate, wherein a first mount means operatively connects said leg bar assembly to said securing plate and a second mounting means operatively connects said lift bar assembly to said securing plate to achieve pivotal movement of said leg bar assembly and said lift bar assembly;
and

engaging said lift bar assembly and said leg bar assembly to target specific muscles.

- In claim 22, line 16, after the word 'wherein' insert --a--.

2. The following is an examiner's statement of reasons for allowance:

Applicant has amended claims 1, 10 and 15 to include subject matter that was indicated allowable in the first Office action. Specifically, claim 1 now recites the 'seat assembly including a seat member having a lower surface that is selectively

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engageable with a wheel member of the lift bar assembly', which, in combination with the other limitations of the claim, is not taught or made obvious by the prior art.

Additionally, claims 10 and 15 were amended to incorporate the limitations of claim 11, which was objected to as allowable if rewritten in independent form in the first Office action, as this combination is neither taught or made obvious by the prior art.

Accordingly, claim 11 has been cancelled. Claim 21 was allowed in the first Office action, and newly added claim 22 recites the limitation of the securing plate with a first mount means connected to the leg bar for pivotal movement of the leg bar assembly and the lift bar assembly, which, in conjunction with the other limitations recited in the claim, is not taught or made obvious by the prior art.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allana Lewin whose telephone number is 571-272-5560. The examiner can normally be reached on Monday-Friday, 9AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AL 
September 14th, 2006


STEPHEN R. CROW
PRIMARY EXAMINER
ART UNIT 332